

CLOSED, RELATED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-08960-SAS

Batori, et al v. American Perm., et al

Assigned to: Judge Shira A. Scheindlin

Demand: \$9,999,000

Related Cases: 1:01-md-01428-SAS-THK

1:06-cv-02811-SAS

1:07-cv-04104-SAS

Cause: 28:1332 Diversity-Personal Injury

Plaintiff

Regina Batori

wife of Johann Batori (killed in 11/11/00

Kaprun Fire)

Date Filed: 11/10/2003

Date Terminated: 07/09/2007

Jury Demand: Defendant

Nature of Suit: 360 P.I.: Other

Jurisdiction: Diversity

represented by **Edward Davis Fagan**

80 Broad Street

5th floor

New York, NY 10004

212-837-7836

LEAD ATTORNEY

James F. Lowy

Florida Law Group, L.L.C.

3907 Henderson Boulevard

Suite 200

Tampa, FL 33629-5015

(813) 288-9525

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LEAD ATTORNEY

Plaintiff

Roland Batori

son of Johann Batori (killed in 11/11/00

Kaprun Fire)

represented by **Edward Davis Fagan**

(See above for address)

LEAD ATTORNEY

James F. Lowy

(See above for address)

LEAD ATTORNEY

Plaintiff

Helmut Bieber

father of Bianka Bieber (killed in 11/11/00

Kaprun Fire)

represented by **Edward Davis Fagan**

Fagan and Associates

140 Broadway, 46th Street

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| | | <p>convenience tip overwhelmingly in favor of dismissal, all five actions within this MDL brought solely on behalf of foreign plaintiffs are dismissed on the ground of forum non conveniens. The Clerk of Court is directed to close these cases [Nos. 03-8960, 03-8961, 06-2811, 07-935 and 07-3881. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (Signed by Judge Shira A. Scheindlin on 6/19/07) (rjm) (Entered: 06/20/2007)</p> |
| 06/25/2007 | 165 | NOTICE of Filing of Affidavit of Bias pursuant to 28 USC Sec. 144. Document filed by Masatoshi Mitsumoto. (Attachments: # 1 Affidavit of Bias pursuant to 28 USC Sec 144 submitted by Dr. Toichiro Kigawa# 2 Appendix Signature Page of Dr. Kigawa)(Fagan, Edward) (Entered: 06/25/2007) |
| 06/29/2007 | 167 | DEFENDANTS' JOINT RESPONSE re: <u>165</u> Notice Of Declarations of Bias under 28 USC 144. Document filed by Omnidglow Corporation, Bosch Rexroth Corporation, The Bosch Group, Hydac Technology Corp., Siemens AG, Siemens Transportation Systems Corp, Cyalume Technologies Inc., Wika Instrument Corporation, American Cyanamid Inc. (jar) (Entered: 07/12/2007) |
| 06/29/2007 | 168 | DECLARATION of Ryan M. Morettini in Support re: [167] DEFENDANTS' JOINT RESPONSE of <u>66</u> Notice Of Declarations of Bias under 28 USC 144. Original Document filed by Omnidglow Corporation, Bosch Rexroth Corporation, The Bosch Group, Hydac Technology Corp., Siemens AG, Siemens Transportation Systems Corp, Cyalume Technologies Inc., Wika Instrument Corporation, American Cyanamid Inc.. (jar) (Entered: 07/12/2007) |
| 07/04/2007 | 166 | MOTION for Extension of Time for <i>Extension of Time to File Motions For Reconsideration, to Supplement the Record, Intervention, Recusal and for Other Relief</i> . Document filed by Masatoshi Mitsumoto. (Attachments: # 1 Affidavit Fagan and Geier in Support of Motion# 2 Supplement Fagan and Geier Affidavit Signature Page# 3 Exhibit 1 to Affidavit - Documents to Supplement Record# 4 Exhibit 2 to Fagan and Geier Affidavit and Motion - Errors and Abuse of Discretion Related to Opinion and Order Entered on 20 June 2007)(Fagan, Edward) (Entered: 07/04/2007) |
| 07/09/2007 | | CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 19, 2007, all five actions within this MDL brought solely on behalf of foreign plaintiffs on the grounds of forum non conveniens are dismissed; accordingly, these cases, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; and 07 Civ.3881], are closed (Orig. filed in case no. 01 MDL 1428 (SAS) as doc. # 307). (Signed by J. Michael McMahon, clerk on 7/9/07) (ml) (Entered: 07/09/2007) |
| 07/31/2007 | 169 | MEMORANDUM OF LAW in Support of motion for (1)Reconsideration and other relief pursuant to Local Rule 6.3 & F.R.C.P. 60(b), (ii)granting prior motions against Omnidglow Corp/Cyalume Technologies for preclusion; (iii) granting Plaintiffs permission to intervene in existing cases against Omnidglow corp. & BoschRexroth Corp. (iv) convening a final pre-trial conference related to claims Omnidglow/Cyalume Technology and Bosch Rexroth Corp. And scheduling cases for immediate Trials; (v) permitting plaintiffs to amend |

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| | | complaints to state new causes of action in accordance with Ross v. Louise Wise Serv./. Inc.. Document filed by Johann Bruckmair, Christine Bruckmair, Brigitte Decker, Peter Decker, Eri Deguchi, Regina Batori, Nobuko Deguchi, Tomonari Deguchi, Youko Deguchi, Fabian Dorner, Julia Dorner, Roland Batori, Helmut Bieber, Evemarie Bieber, Hermine Exenberger, Kurt Falk, Gisela Falk, Katin Falk, Sabine Falk, Erika Fellner, Alexander Fellner, Rastko Ferk, Dragica Ferk, Anneliese Ferstl, Franz Ferstl, Jr, Herta Franz, Adelheid Freilinger, Roland Freilinger, Petra Exenberger, Olga Galjot, Franc Galjot, Barbara Galjot, Michael Andreas, Klemens Gebhardt, Elisabeth Gebhardt, Marko Danilo, Sabine Fros, Christoph Christoph, Dieter Christoph, Sophie Christoph, Mario Anhuas, Johann Blaimauer, Ingeborg Blaimauer. (pl) (Entered: 08/14/2007) |
| 08/16/2007 | | OPINION & ORDER # 95058 (this document relates to 03cv8960, 03cv8961, 06cv2811, 07cv935, 07cv3881, 07cv4101); re: defendants' [290] motion to disqualify Edward D. Fagan, and motion to impose sanctions against Edward D. Fagan, James F. Lowry, and Robert J. Hantman. Defendants' motion is granted in part with respect to Fagan; it is denied with respect to Hantman and Lowry. Fagan is fined \$5,000.00, which is due immediately and should be remitted to the Clerk of the Court, United States District court, Southern District of New York, 500 Pearl Street, New York, New York 10007... All other rulings are set forth in this Opinion. (Signed by Judge Shira A. Scheindlin on 8/16/2007) Original document filed in 01md1428, doc. # 323. (kkc) (Entered: 08/21/2007) |

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